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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/777,656

02/13/2004

Keiji Tomooka

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5642

23838

7590

05/17/2006

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EXAMINER

PHAN, HANH

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,656

Applicant(s)

TOMOOKA ET AL.

Examiner

Hanh Phan

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the RCE filed on 03/06/2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Fatehi et al (US Patent No. 5,229,876).

Regarding claim 1, referring to Figure 6, Fatehi teaches an optical transmission equipment (i.e., a doped fiber optical amplifier, Fig. 6) for transmitting an amplified optical data signal (i.e., optical data out, Fig. 6) and a supervisory optical signal (i.e., optical SUPV. OUT, Fig. 6), comprising:

a pumping light source (i.e., pump light source 94, Fig. 6) outputting a pumping light;

a doped fiber (i.e., a doped fiber 51, Fig. 6) inputting a data optical signal (i.e., optical data in, Fig. 6) and the pumping light (94, Fig. 6), and out-putting the amplified data optical signal (i.e., optical data out, Fig. 6);

a supervisory optical source (i.e., pump light source 74 which carries the telemetry information, Fig. 6, col. 4, lines 56-67 and col. 5, lines 1-54) outputting the supervisory optical signal (i.e., optical SUPV. OUT, Fig. 6); and

an optical coupler (i.e., optical coupler 90, Fig. 6) multiplexing the amplified data optical signal (optical data in amplified, Fig. 6), the supervisory optical signal (optical SUPV. OUT, Fig. 6) and the pumping light (i.e., the pumping light 94, Fig. 6);

wherein a wavelength of the supervisory optical signal (SUPV. OUT, Fig. 6) is substantial equal to a wavelength of the pumping light (94, Fig. 6) (see from col. 4, line 28 to col. 6, line 61).

Allowable Subject Matter

4. Claims 2-4 are allowed.

Response to Arguments

5. Applicant's arguments filed 01/04/2006 have been fully considered but they are not persuasive.

The applicant's arguments to claim 1 are not persuasive. The independent claim 1 is now amended to include the limitation of "**an optical coupler multiplexing the amplified data optical signal, the supervisory optical signal and the pumping light**" and the applicant argues that the cited reference (Fatehi et al) fails to teach such limitation. The examiner respectfully disagrees. Indicated in Figure 6, Fatehi teaches an

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optical coupler 90 multiplexing the amplified data optical signal, the supervisory optical signal SUPV. OUT and the pumping light 94, see from col. 4, line 28 to col. 6, line 61.

Therefore, it is believed that the limitations of claim 1 are still met by Fatehi and the rejection is still maintained.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.


HANH PHAN
PRIMARY EXAMINER